

## **REMARKS**

### **Amended / New Claim**

Amended claim 1 now recites that the chamfer extends from the lateral edge of the rib, language previously presented in claim 3.

New claim 16 is a new presentation of previous dependent claim 2 as an independent claim.

### **Objection to the Drawings**

The drawings have been objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “22” has been used to designate “apex” and “sipes” and “sides”.

The drawings have been reviewed regarding the above objection. The drawings consistently show character “22” being used to designate the sides of the ribs. However, paragraph 0017 of the specification uses “22” inconsistently. Paragraph 0017 has been amended to correct this error. It is requested that this objection be withdrawn.

### **35 U.S.C. §112, second paragraph**

Claim 6 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 has been amended to resolve the above rejection.

### **35 U.S.C. § 102(b)**

Claims 1-4, 6-8, 13 and 15 have been rejected under 35 U.S.C. § 102(b) as anticipated by Japan '919 (JP2002-103919). This rejection is respectfully traversed for the following reasons.

JP '919 is held as anticipating the claimed invention, thus JP '919 must disclose each and every element of the rejected claims.

Amended claim 1 recites that the chamfer circumferentially extends from the lateral edge of the rib. In the tread of Figure 1 of JP '919, the rib has no lateral edge, but is instead composed of all circumferentially extending edges. In the tread of Figure 2 of JP '919, the rib has no lateral edge; instead, the “pseudo-land” portions extend from the straight sided rib.

In regard to claim 16 (formerly claim 2), in the tread of Figure 2, the sipes do not

extend into the “pseudo-land” portions. Regarding the tread of Figure 1, JP ‘919 teaches that the corner 23 of the tip (or tee 22) of the land parts are beveled. In the one portion of the drawing where the identifier 23 is used, the reference line is drawn below any line that can even be interpreted as a sipe. Given how the beveled edges 15 and 16b of the remainder of the tread are drawn, with a slight curve indicating the beginning of the beveling, as opposed to a straight line indicating a sipe, one skilled in the art at the time of the invention would have interpreted the final curved lines located in the tip 22 as the start of the beveling of the land portion and not a sipe in the beveled land portion.

Additionally, claim 16 recites that the chamfer circumferentially extends from the lateral edge of the rib, and as noted above, neither tread configuration of JP ‘919 shows such a configuration.

As Japan ‘919 fails to anticipate the invention as recited in claims 1-4, 6-8, 13 and 15, it is respectfully requested that this rejection be withdrawn.

### 35 U.S.C. § 103

Claims 1-8, 13 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Japan ‘919 (JP 2002-103919) in view of at least one Europe ‘971 (EP 1075971), Himuro ‘892 (US2002/0062892) and Japan ‘513 (JP2002-240513). This rejection is respectfully traversed for the following reasons.

JP ‘919 is held to anticipate the claimed invention, but nonetheless, JP ‘919 is also used as the primary reference in an obviousness rejection.

Claims 1 and 16 both recite that the chamfers circumferentially extend from the lateral edge of the rib. As argued above, JP ‘919 fails to disclose a lateral edge in either rib which is either beveled or from which the pseudo land portion extends. Nothing in EP ‘971, Himuro ‘892, or Japan ‘513 eliminates this failure of JP ‘919. EP ‘971 teaches that the ribs are straight sided, and identifies 8a and 8b as the rib sides. Himuro ‘892 has lateral elements to the center rib; however, the “slant groove portion” 14, do not circumferentially extend from the lateral edge. Japan ‘513 teaches a straight sided rib and to modify the pseudo land portions of JP ‘919 by the straight rib of Japan ‘513 would completely reverse the teachings of JP ‘919.

Regarding claim 16, reciting the sipes extending into the chamfers, in EP ‘971, Himuro ‘892, and Japan ‘513 are all silent about sipes and thus fail to remedy the noted deficiency of JP ‘919 as discussed above.

To establish *prima facie* obviousness, the combined references must teach or disclose all the claimed elements. Herein, for both independent claims, the combined references fail to teach all the claimed elements. Thus it is requested that this rejection be reconsidered and withdrawn.

Claims 9-12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '919 in view of at least one of Europe '971, Himuro '892 and Japan '513 and further in view of Nakagawa (US 2003/019555) or Japan '225 (JP 2202-29225). This rejection is respectfully traversed for the following reasons:

This rejection relies upon the above § 103 rejection. Nakagawa and Japan '225 are applied for the teaching of multiple ribs and adjacent ribs in a tire tread. Neither teach the use of chamfers in the tread that would overcome the deficiencies of Japan '919 as modified above. Thus Japan '919 as modified herein still fails to teach chamfers circumferentially extending from a lateral edge of the rib, as recited in claims 1 and 16, and having sipes that extend into the chamfers as recited in claim 16. It is requested that this rejection be reconsidered and withdrawn.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '919 in view of at least one of Europe '971, Himuro '892 and Japan '513 and further in view of Hopkins et al (US 4,926,919). This rejection is respectfully traversed for the following reasons.

This rejection relies upon the first § 103 rejection; Hopkins being applied solely for the teachings of rib side configurations. Hopkins is silent about any chamfers in the tread, thus failing to overcome the noted deficiencies of the rejection of the claims over Japan '919 as modified above. It is requested that this rejection be withdrawn.

#### Copending 10/601,986

The claims have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,8 of copending Application No. 10/601,986 and over the copending Application No. 10/601,986 in combination with various prior art.

A terminal disclaimer is being filed herewith to overcome these rejections.

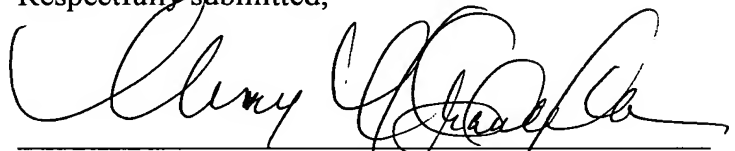
Copending 10/601,504

The claims have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-5 of copending Application No. 10/601,504 and over the copending Application No. 10/601,504 in combination with various prior art.

A terminal disclaimer is being filed herewith to overcome the above rejections.

In light of this amendment, all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy T. Krawczyk', written over a horizontal line.

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